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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

MAY 15 1995

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IN REPLY REFER TO:

CN9501912

MAY 15 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Phil Gramm
United States Senator
2323 Bryan Street, #1500
Dallas, TX 75201

Dear Senator Gramm:

Thank you for your letter of April 18, 1995, regarding an inquiry received from your constituent, Mr. David C. Blocksom, President of Certitech Corporation, concerning our recent proposals, in ET Docket 95-19, to relax the equipment authorization requirements for personal computers. Mr. Blocksom expressed concerns regarding our proposal to require accreditation of equipment testing laboratories under the National Voluntary Laboratory Accreditation Program (NVLAP) operated by the National Institute of Standards and Technology.

Under our current regulations, all personal computers and peripherals to personal computers must be authorized by the Commission through its certification procedure prior to importation or marketing. This requirement is intended to limit the potential for interference being caused by personal computer systems to television reception, police communications, aircraft control systems, and other radio services.

We have recently received a number of requests to relax the FCC certification requirements for personal computers and peripherals. The Information Technology Industry Council, formerly the Computer and Business Equipment Manufacturers Association, claims that eliminating the Commission authorization for personal computers and peripherals devices would save manufacturers and suppliers of these products \$250 million annually. In response to these requests, we have proposed to eliminate our current equipment authorization process, requiring instead that the manufacturer test its products and self-certify that they comply with our standards. No information would have to be submitted to the Commission for approval.

We believe that it is important under a self-certification program to ensure that laboratories that would test the personal computers and peripherals can adequately perform the testing required. Laboratory accreditation programs, such as NVLAP, can provide this assurance. Our proposal to require NVLAP accreditation was based on a suggestion submitted by the American Council of Independent Laboratories.

The Commission is currently receiving comments on our proposal. Before any final decision is reached, these comments will be reviewed to determine the most effective methods that can be used for laboratory accreditation. We are particularly interested in suggestions from the staff and management of the testing laboratories themselves as to how this can be accomplished.

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The Honorable Phil Gramm
Page Two

I am placing a copy of Mr. Blocksom's concerns in the docket file for our proposal, a copy of which has been enclosed for your information. Please contact me if you wish additional information on this issue.

Sincerely,



Richard M. Smith
Chief
Office of Engineering and Technology

Enclosure

cc: Chief, OET
Rick Engelman
Dockets for inclusion in 95-19 (with copy of incoming) ✓
JAReed/cls/05-09-95

Chief, TRB

Chief, PRD

31030/EQU/4-2-16
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DOR - 4/28/95
CN 9501912

Phil Gramm
Texas

United States Senate

OE
Docket

MEMORANDUM

1992

Date: 4-18-95 #4270

Federal Communications Commission
Office of Congressional Affairs
1919 M Street, N.W.
Washington, D.C. 20554

My constituent has sent me the enclosed communication, and I would appreciate a response which addresses his/her concerns.

Please send your response, together with the constituent's correspondence, to the following address:

Office of Senator Phil Gramm
2323 Bryan Street, #1500
Dallas, Texas 75201

Attention: Clarissa Clarke

APR 23 1995

CERTITECHTM

CORPORATION

April 5, 1995

Honorable Senator:

Business constituents in your state, electronics manufacturers and others, will be negatively affected by the FCC proposal to require electronic test laboratory "accreditation" (FCC ET Docket 95-19 News Release enclosed). This lab accreditation is proposed to be mandated through NVLAP (National Voluntary Laboratory Accreditation Program, part of NIST). Alternatives are available which do not dilute the regulatory and oversight responsibilities of the FCC. Businesses affected by this proposal have not been sufficiently notified. Comments to the FCC should be submitted by May 1 referencing ET Docket 95-19.

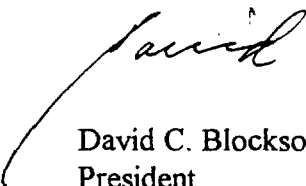
The FCC laboratory accreditation proposal:

1. Adds the expense and complexity of unnecessary bureaucracy for manufacturers and laboratories;
2. Duplicates the existing capabilities and expertise of the FCC and does nothing to "streamline certification and marketing of computers."

Also enclosed is a copy of my letter to Mr. Bill Caton, FCC Secretary, which outlines additional problems with the proposal, and an alternative. Please contact me if I can provide additional information or assistance.

CERTITECH has been an independent FCC registered test laboratory since 1983 serving domestic and international electronics manufacturers and related clients. Our efforts and opinions regarding this proposal are our own.

Sincerely,
CERTITECH Corporation



David C. Blocksom
President

enc.

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March 29, 1995 (Revision of February 27, 1995 comments)

Mr. Bill Caton, Secretary
Federal Communications Commission
1919 "M" Street N.W.
Washington D.C. 20554

Re: Comments on NPRM ET Docket 95-19, (FCC 95-46), Report No. DC 95-28 (FCC 95-46)

With respect, serious flaws exist in the above mentioned documents to require NVLAP **"accreditation"** of EMI test laboratories: "... that laboratories performing measurements on these devices obtain accreditation by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program.") The NVLAP "accreditation" proposal should be rejected. Later in this letter I suggest an alternative accreditation proposal to the NVLAP scheme. Your consideration of the following comments is appreciated:

1. The FCC should continue to be the regulatory and oversight body in the United States, including the upgrading of a lab accreditation program (as I later outline.) The FCC should **not abdicate or delegate** its responsibilities to any organization, especially NVLAP. Mandating the "voluntary" NVLAP scheme adds complexity, cost and bureaucracy. No entity, especially NVLAP, is needed between the FCC, labs and manufacturers.
2. NVLAP is a duplication of existing FCC expertise and capabilities. NVLAP has no experience.
3. The history of the NVLAP EMI lab "accreditation" scheme reflects years of failure with only 15% participation!
4. The NVLAP scheme will not lower EMI testing costs, as is claimed by some proponents. Nor will it "streamline certification and marketing of computers." NVLAP adds unnecessary bureaucracy and costs, which are a deterrent to domestic and international trade. NVLAP costs to labs/manufacturers are exorbitant, as testified to by numerous former, and present, NVLAP labs.
5. Of the 135 FCC registered lab sites only 21, representing only 13 companies, participate in the NVLAP program. And almost 40% of those are owned by two foreign companies! ... including TUV of Germany and Inchcape of England.
6. The NVLAP scheme will reduce competition among U.S. laboratories by dramatically increasing costs and complexity, driving some out of business. (The NVLAP scheme is promoted by a few domestic and foreign "special interests" who are aware that this will be the result.)
7. Jobs and international trade are the issue. Increased regulation jeopardizes both. Europe is being stifled by its regulatory zeal, contributing to 10% unemployment in the European Union (Investor's Business Daily, 3-27-95).
8. The Europeans are not requiring NVLAP. Europe does not recognize "accreditors". "Europe only needs to be satisfied that U.S. labs are competent." The FCC can and should accredit for **BOTH** the U.S. and world recognition.
9. The NVLAP scheme increases complexity, bureaucracy, and raises the significant possibility of both technical and administrative conflicts between NVLAP and the FCC.
10. NVLAP is presently "supported" by only 21 of the 135 FCC registered testing laboratories in the U.S., as the limited NVLAP "membership" roster shows. While the American Council of Independent Laboratories (ACIL) may support the program, its membership includes only a small handful of the 135 FCC registered labs.
11. NVLAP "accreditation" should **not** be part of ET Docket 95-19. Self-certification of products, and laboratory accreditation are separate and distinct issues. They should be addressed separately in FCC proposals.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 618 F.2d 345 (D.C. Cir. 1974).

Report No. DC-95-28

ACTION IN DOCKET CASE

February 7, 1995

STREAMLINED CERTIFICATION PROPOSED TO SPEED UP MARKETING OF COMPUTERS (ET DOCKET 95- 19)

The Commission has proposed to permit manufacturers and suppliers of computers and computer peripherals to market their equipment without having to submit an application for equipment authorization and await FCC approval. Industry estimates that these rule changes will speed up the process of getting the products to market and save the industry approximately \$250 million annually. The change would also stimulate the creation of jobs and competition in the computer industry by relaxing regulations that are particularly burdensome for small manufacturers and would align the FCC equipment authorization requirements for personal computers with those used successfully in other parts of the world.

The Commission has proposed relaxing the equipment authorization requirements for personal computers and personal computer peripherals, from FCC certification to a new equipment authorization process based on a manufacturer's or supplier's declaration of compliance.

These devices are currently subject to authorization under the FCC's certification procedure to ensure that they do not cause interference to radio services such as TV broadcasting, aeronautical and maritime communications, amateur services, etc. Certification requires that a copy of all measurement data, accompanied by a detailed description of the product, be submitted to the Commission's Laboratory for review and approval. Only upon issuance of a grant of certification from the Commission is marketing or importation of the equipment permitted. The certification process takes about 35 days, but can take longer if additional information must be submitted to complete or correct the application. This delay has become increasingly costly to manufacturers given the rapid pace of personal computer technology, where product life cycles are often as short as six months.

Under the new procedure, FCC authorization would be replaced by a process based on a manufacturer's or supplier's Declaration of Conformity (DoC). In order to ensure that this equipment will continue to comply with the Commission's standards, the Commission also proposed requiring that laboratories performing measurements on these devices obtain accreditation by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program.

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